

ESTTA Tracking number: **ESTTA496367**

Filing date: **09/25/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91202219
Party	Plaintiff Eat Right Foods Ltd.
Correspondence Address	SIMONE M KATZ ONEILL SHARTISIS FRIESE LLP ONE MARITIME PLAZA, 18TH FLOOR SAN FRANCISCO, CA 94111 UNITED STATES skatz@sflaw.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Joseph V. Mauch
Filer's e-mail	jmartin@sflaw.com, jmauch@sflaw.com, calendar@sflaw.com
Signature	/s/ Joseph V. Mauch
Date	09/25/2012
Attachments	Notice of Reliance No. 18.pdf (4 pages)(2225655 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

EAT RIGHT FOODS LTD.,

Opposer,

v.

KEVIN LEVILLE,

Applicant.

Opp. No.: 91202219

Ser. No.: 77/868,068

Date of Publication:
April 26, 2012

OPPOSER EAT RIGHT FOODS LTD.'S
NOTICE OF RELIANCE NO. 18

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, pursuant to 37 C.F.R. § 2.122(e) and 704.08(b) of the Trademark Trial and Appeal Board Manual of Practice and Procedure, Opposer Eat Right Foods Ltd. provides Notice of Reliance on material published on the Internet at <http://www.eatrightamerica.com/market/>, accessed and publicly available on September 24, 2012, submitted herewith. The material being offered is relevant to applicant Kevin Leville's use of the applied-for mark in commerce, the goods and services on which Applicant uses his mark, the channels of trade in which Applicant markets and sells such goods and services, and the likelihood of confusion between Applicant's applied-for mark and Opposer's registered marks.

Dated: September 25, 2012.

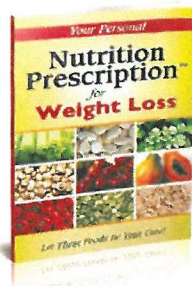
Respectfully Submitted,
SHARTSIS FRIESE LLP

By: _____


JOSEPH V. MAUCH

Attorneys for Opposer
EAT RIGHT FOODS LTD.

Products and Remedies



Nutrition Prescription For Weight Loss

Can't lose weight? You're probably not eating enough. *Its that simple.*

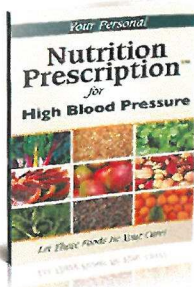
When your diet consists of high-calorie, low-nutrient foods, it is always in search of nutrients needed to fuel the body. Therefore, you always feel hungry and you eat. However, when the body is fully nourished, your food cravings disappear and the weight just falls off. And, there are actually foods that speed up the process. Apples and celery for instance, burn off more calories than they contain, so eat all you want!

The Nutrition Prescription for Weight Loss is as easy as eating LOTS of delicious foods that nourish the body. Did you ever imagine you would be told to keep eating?

Price: \$19.97

 [Add To Shopping Cart](#)

[Read More...](#)



Nutrition Prescription For High Blood Pressure

ELIMINATE the Risks Caused by High Blood Pressure

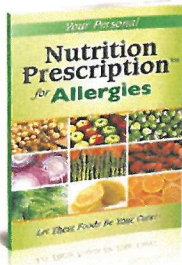
High blood pressure, or hypertension, has been called the SILENT KILLER. The strokes brought on by high blood pressure are one of the leading causes of death in America. However, the latest national expert guidelines emphasize that nutrition (among other natural approaches) can dramatically help you lower your blood pressure. Beets, sunflower seeds, black-eyed peas are just a few of the foods that lower blood pressure.

The Nutrition Prescription for Lowering Your Blood Pressure is so effective, that we insist you notify your physician before you begin adopting this program. In ERA tests, participants became light-headed after just two-days and required a reduction in medication. Get the *Nutrition Prescription* to learn how you can easily use a more natural, healthy and delicious approach to *lowering your blood pressure*.

Price: \$19.97

 [Add To Shopping Cart](#)

[Read More...](#)



Nutrition Prescription For Allergies

Nutritional therapy can be used to attack and eliminate allergies

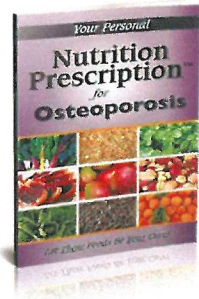
First, by eliminating the foods that may trigger allergic reactions and second, by "calming" the body's response to allergens. According to research published in "Thorax" in 2007, increasing the intake of certain fruits and vegetables will minimize your allergy symptoms and may eliminate them all together..

The Nutrition Prescription for Allergies will provide a step by step solution to your allergy problem. Imagine foods like basil, beets and walnuts being part of the solution. Start eating today.

Price: \$19.97



[Read More...](#)



Nutrition Prescription For Osteoporosis

The RIGHT diet can stop osteoporosis in its tracks.

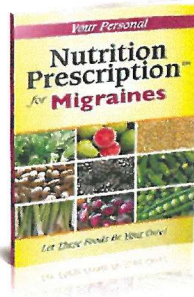
Simple changes can have an immediate effect. For instance, consuming lots of animal-based protein, including milk, causes calcium to be pulled from your bones because animal protein makes the blood more acidic and calcium is one mineral used to return the blood to the proper level of acidity. Get your calcium and protein from plant-based sources.

The Nutrition Prescription for Osteoporosis will painlessly walk you through a delicious lifestyle designed to return your body to great form.

Price: \$19.97



[Read More...](#)



Nutrition Prescription For Migraines

Yes, you can cure your migraines- forever!

As you know, migraines can cripple a person. Diet is a MAJOR player in both the cause and the cure for migraines. For example: the fats found in nuts cause migraines.

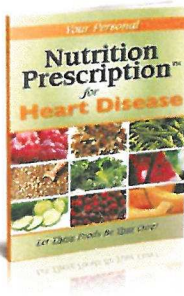
Changing what you eat can really make a difference in the intensity and frequency of your headaches? Nature's foods contain powerful medicine in the form of phytonutrients, and this **Nutrition Prescription** will give you the knowledge you need to be healthier and happier.

Discover what it's like to life without migraines **for good** by following *The Nutrition Prescription for Migraine*.

Price: \$19.97



[Read More...](#)



Nutrition Prescription For Heart Disease

Experts agree... eating a potent mixture of certain everyday foods can reverse heart disease in the body.

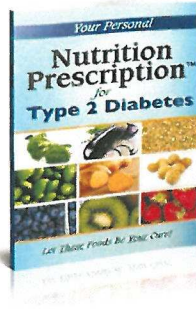
It may be the #1 killer in America, but you can eliminate the risk now and forever by making simple changes to your diet. The Nutrition Prescription for Heart Disease is the most important program we have to offer, because tragedy can happen so quickly.

Believe it not, foods like collards, flax seeds and blueberries are packed with phytonutrients that have the power to heal. We've done all the hard work, now you just have to eat plenty of the RIGHT foods and live a healthier life.

Price: \$19.97



[Read More...](#)



Nutrition Prescription For Diabetes

The RIGHT Diet Can Cure Diabetes In Four Months.

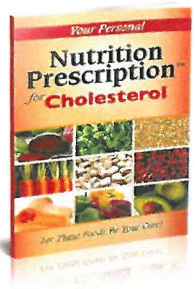
Forget everything you may have heard... Type 2 Diabetes is caused by diet and it can be cured by diet. Eating lots of HIGH NUTRIENT, low calorie foods have been proven to literally reverse this debilitating disease. If you have Type 2 Diabetes, you are at just as high a risk of having a heart attack as someone who has already had one. Can you afford to live with that risk when you can easily reverse the condition.

The Nutrition Prescription for Type 2 Diabetes makes life simple by telling you precisely which foods will do the job. If you like tomatoes, black beans, cucumbers and green apples, you are well on your way to a life with no medications.

Price: \$19.97



[Read More...](#)



Nutrition Prescription For Cholesterol

FDA admits statin drugs used to reduce cholesterol cause diabetes and memory loss.
March 01, 2012

Don't become a statistic – get the *Nutrition Prescription for Cholesterol*.

If you or one of your loved ones has high cholesterol and wants to learn how to *naturally* reduce your bad cholesterol while increasing the good, then this **Nutrition Prescription** is for you! Phytonutrients found in foods like spinach, bell peppers, grapes and flaxseeds can eliminate your need for medications.

Price: \$19.97



[Read More...](#)